

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 04-12098 RWZ

GREGORY F. SANKEY,
Plaintiff

vs.

THE SHAW GROUP INC. and
STONE & WEBSTER, INC.,
Defendants

**PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION TO
DISMISS COUNTS 9, 11 and 12
PURSUANT TO RULE 12 (b)(6)**

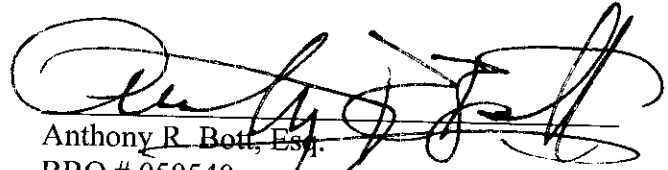
The Plaintiff, Gregory F. Sankey, by his attorney, Anthony R. Bott of Anthony R. Bott, P.C., hereby opposes both the Defendants' Motion to Dismiss and the filing thereof because Defendants' counsel – as is evident from their deficient filing papers – failed to confer in an attempt in good faith to resolve or narrow the issue(s) with the Plaintiff's counsel prior to the filing of said Motion.

Pursuant to Rule 7.1(A)(2) "Motion Practice" of the Local Rules of the United States District Court for the District of Massachusetts: "No motion shall be filed unless counsel certify that they have conferred and have attempted in good faith to resolve or narrow the issue."

Plaintiff first refers the Court to the actual papers filed which clearly do not include a Defendant counsel Certification as required by the above-cited rule. Further, Plaintiff, by counsel, hereby certifies to this Court that Defendants' counsel did not confer in an attempt in good faith to resolve or narrow the issues in this matter prior to the filing of said Motion.

Accordingly, the Plaintiff moves the Honorable Court to reject the Defendants' Motion as submitted and dismiss same as defective on its face.

Respectfully submitted,
Plaintiff, Gregory F. Sankey,
By his Attorney,



Anthony R. Bott, Esq.
BBO # 050540
Anthony R. Bott, P.C.
Eight Beach Road
P.O. Box 1137
East Orleans, MA 02643
(508) 240-2700

Dated: December 31, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the
above document was served upon (each
party appearing pro se and) the attorney
of record for each other party by

mail (by hand) on

12/31/04

